

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DURONE J. SANDERS,

Plaintiff,

v.

Case No.: 17-10331
Honorable Victoria A. Roberts

CITY OF DETROIT, ET AL.,

Defendants.

ORDER DENYING MOTION WITHOUT PREJUDICE

Plaintiff filed a Motion for Alternate Service on Defendants City of Detroit Police Officers Roy Harris, William Morrison, Jeffrey Wawryzniak, Bashawn Gaines, Ryan Paul and Sadie Howell (Doc. #4). He says that these defendants are all employed by the City of Detroit Police Department ("DPD"); that summons and complaints were mailed to them there, and that they have failed to acknowledge attempts to serve them. Plaintiff asks the Court to require the City of Detroit Law Department to accept service for these individuals.

In response, the City says it is not clear the named Defendants are still employed by the City and that even if they were, a contract between the City and the DPD only allows the Law Department to accept service on behalf of the Chief of Police and when individual officers request representation from the Law Department. Finally, the City says Plaintiff's motion is premature: the Complaint was only filed on February 2, 2017.

The Court agrees. Furthermore, Plaintiff does not state in his motion, what attempts have been made to effectuate service; he only says "Defendants are evading service even though the Complaint and Summons have been mailed to the DPD

Headquarters.” (Doc. #4, p. 2) This is insufficient to satisfy Plaintiff’s burden to effectuate service under either federal or state rules; Plaintiff has not made a sufficient showing that service of process cannot reasonably be made as provided by the rules.

Having said that, the Court is aware of the tremendous difficulties plaintiffs have in attempting to obtain personal addresses for defendant police officers, and in serving them generally. The Court is also aware that the City of Detroit Law Department can find out whether the named Defendants are still employed as police officers; what precincts they are assigned to; and can arrange for them to be served at a particular time at their precincts. The Court advises the City Law Department to work with Plaintiff’s counsel to arrange for personal service on any named Defendant who is still employed by the City of Detroit.

IT IS ORDERED.

/s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: April 18, 2017

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on April 18, 2017.

s/Linda Vertriest
Deputy Clerk